

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1715 - SB 1859

March 4, 2020

SUMMARY OF ORIGINAL BILL: Creates a Class D felony offense for the sexual abuse of a corpse. Creates a Class C felony offense for the aggravated sexual abuse of a corpse. Requires persons convicted of such offenses to register pursuant to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004 (Act).

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$8,400 Incarceration*

SUMMARY OF AMENDMENT (015747): Deletes and replaces all language after the enacting clause such that the only substantive change is to remove the requirement for persons convicted of such offenses to register pursuant to the Act.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- This analysis assumes individuals would be convicted of the Class E felony offense of abuse of a corpse in Tenn. Code Ann. § 39-17-312 under current law.
- Based on information provided by the Department of Correction (DOC), there has been an average of one admission for abuse of a corpse each year over the last three years.
- The proposed legislation will result in one Class E abuse of a corpse admission being enhanced one classification every 10 years.
- Population growth and recidivism will not impact these admissions.
- According to the DOC, the average operating cost per offender per day for calendar year 2020 is \$75.52.
- The average time served for a Class E felony is 1.35 years. The average time served for a Class D felony is 2.26 years. The draft legislation will result in each admission serving an additional .91 years (2.26 – 1.35).

- Pursuant to Tenn. Code Ann. § 9-4-210, one offender will be admitted every 10 years serving an additional 332.38 days ($.91 \times 365.25$). The annualized increase in state incarceration expenditures is estimated to be \$2,510 ($\$75.52 \times 332.38 / 10$).
- The proposed legislation will result one Class E abuse of a corpse admission being enhanced two classifications every 10 years.
- The average time served for a Class E felony is 1.35 years. The average time served for a Class C felony is 3.50 years. The draft legislation will result in each admission serving an additional 2.15 years ($3.50 - 1.35$).
- Pursuant to Tenn. Code Ann. § 9-4-210, one offender will be admitted every 10 years serving an additional 785.29 days (2.15×365.25). The annualized increase in state incarceration expenditures is estimated to be \$5,931 ($\$75.52 \times 785.29 / 10$).
- The proposed legislation will result in a recurring increase in state incarceration expenditures estimated to be \$8,441 ($\$2,510 + \$ 5,931$).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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